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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,326	03/16/2001	Larry W. Fullerton	TDCO:012	7179
44654 7590 04/25/2007 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			EXAMINER DEPPE, BETSY LEE	
			ART UNIT 2611	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/25/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/811,326

Applicant(s)

FULLERTON ET AL.

Examiner

Betsy L. Deppe

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed February 6, 2007, with respect to claims 15-24 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to because in Figure 27A, "Tx Circuitry 2035" should be "Pulse Circuitry 2035" (see page 81, line 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

4. The abstract of the disclosure is objected to because it does not include a statement of what is new in the transmitter circuitry and it refers to the purported merits (e.g. "improve the pulse rate"). Correction is required. See MPEP § 608.01(b).

Claim Objections

5. The claims are objected to because of the following informalities:
- a. in claim 15, line 5, "convoluting" should be "convolving";
 - b. in claim 15, the Examiner suggests inserting "to produce a detected signal" after "pulse signal" on line 10; changing "a detected signal" on line 11 to **"the detected signal"**; and deleting ", wherein the detected signal... the received pulse signal" on lines 11-12 for improved readability. This suggestion changes claim 15, lines 10-12 so that it is similar to language in claim 17, lines 16-18.
 - c. in claim 17, line 1, "transmitting" should be "communicating" since the recited steps include both transmitting and receiving steps;
 - d. in claim 17, lines 5 and 13, "convoluting" should be "convolving";
 - e. in claim 20, line 5, "convoluting" should be "convolving";
 - f. in claim 20, the Examiner suggests inserting "to produce a detected signal" after "pulse signal" on line 9; changing "a detected signal" on line 10 to **"the detected signal"**; and deleting ", wherein the detected signal... the received pulse signal" on lines 10-11 for improved readability. This suggestion changes claim 20, lines 9-11 so that it is similar to language in claim 22, lines 18-20;
 - g. in claims 22-24, "apparatus" on line 1 should be "system";
 - h. in claim 22, lines 5 and 14, "convoluting" should be "convolving";
 - i. in claim 22, line 7, "and" should be inserted at the end of the line; and
 - j. in claim 22, line 8, "transmitting" should be "transmit."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 15-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, as originally filed, does not describe the magnitude of an autocorrelation approximating zero if the received pulse signal is a burst-mode signal, as recited in claim 15, lines 3-4; claim 17, lines 11-12; claim 20, lines 3-4; and claim 22, lines 12-13. Based on page 69, lines 7-10 and page 72, line 8 - page 76, line 6, autocorrelation relates to the type of code sequence that is used; whether the pulse signal is a burst-mode signal does not appear to affect the magnitude of an autocorrelation. Therefore, the claims fail to comply with the written description requirement of 35 U.S.C. 112, first paragraph.

9. Claims 15-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how a burst-mode signal or non-burst mode signal affects the magnitude of an autocorrelation, as recited in claim 15, lines 3-4; claim 17, lines 11-12; claim 20, lines 3-4; and claim 22, lines 12-13. Based on page 69, lines 7-10 and page 72, line 8 - page 76, line 6, autocorrelation relates to the code sequence regardless of whether the received pulse signal is burst-mode or non-burst-mode. Therefore, one skilled in the art is unable to make and/or use the claimed invention.

10. Claims 15-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claims 15, 17, 20 and 22 recites the limitation "the autocorrelation" in lines 4, 12, 4 and 13, respectively. There is insufficient antecedent basis for this limitation in the claim. It is unclear which signal the autocorrelation applies/relates to.

12. In claims 15, 17, 20 and 22, it is also unclear how the received pulse signal being a burst-mode signal or the magnitude of an autocorrelation approximating zero (see claim 15, lines 3-4; claim 17, lines 11-12; claim 20, lines 3-4; and claim 22, lines 12-14) relates to or affects the other steps or elements in the recited claims.

13. In claim 20, lines 4-7, it is unclear "convoluting a template signal with a set of code sequences" on lines 4-5 approximates the magnitude of the correlation to zero (see line 4) or generates the receiving template signal (see line 3).

14. The dependent claims are rejected under the same grounds as the respective independent claims.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


16. Please note that this application is now assigned to a different Examiner.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsy L. Deppe whose telephone number is (571) 272-3054. The examiner can normally be reached on Monday, Tuesday and Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Betsy L. Deppe
Primary Examiner
Art Unit 2611